

REMARKS

In view of the above amendments and following remarks, reconsideration of the objections and rejections contained in the Office Action of December 17, 2004 is respectfully requested.

Election/Restrictions

Applicant's election of species M is confirmed. However, no examination of claims 30 and 35 was made.

The Examiner noted that there were only 25 claims in the application. However, a Preliminary Amendment was filed upon the filing of this application which deleted the multiple dependency of all multiply dependent claims, and presented new claims 26-42. Such Preliminary Amendment should have been entered. It is noted that the Preliminary Amendment is present in the image file wrapper of this application.

Original claims 1-42 have in any case been canceled at this point in time. These claims have been replaced with new claims 43-72. Of the new claims, it is noted that new claims 43-62 and 66-70 correspond substantially to original claims 1-25, respectively. Claims 63-65 represent the same subject matter as claims 60-62, but dependent from claim 56. Claims 71 and 72 are new. Of these claims, claims 1, 56-65, 71 and 72 read upon the elected embodiment.

Claim Objections

The Examiner's objections to claims 18-20 are respectfully traversed. The multiply dependent claim form of these claims was changed by Preliminary Amendment as discussed above.

Rejections Under 35 U.S.C. §112

The Examiner rejects claim 17 as not being enabled. It is alleged that it is not understood how the structure of the claim works. It is alleged that the specification fails to disclose how the elements work. However, this position by the Examiner is respectfully traversed, and it will be pointed out how the elements of claim 17 work.

As an initial matter, claim 59 corresponds to original claim 17, and claims 71 and 72 contain similar limitations, though of varying scope. Claim 59 recites a spring mechanism comprising a casing frame member fitted to the casing, a stationary structure frame member fitted to the stationary structure and a spring connecting the casing frame member and the stationary structure frame member. The claim further recites electromagnetically supporting mechanism comprising an excitation coil, the casing frame member comprising the excitation coil, and a conductor fitted with a stationary structure frame member. The conductor is recited as being inserted into the casing frame member with a predetermined gap between the conductor and the casing frame member.

The Examiner's attention is directed to Figs. 21-23, and particularly Fig. 22(b). The Examiner's attention is further directed to the specification beginning at line 23 of page 79 of the original specification. As described from this point, up until line 20 of page 84, a spring mechanism includes four springs 255 arranged between the coil 253 as part of a casing frame member fitted to casing 10 and a stationary structure frame member 252 fitted to stationary structure 100 via supporting member 251. The excitation coil 253 of the casing frame member receives a conductor 254 that is fitted with the stationary structure frame member via supporting member 251. The conductor 254 is inserted into the casing 253 with a predetermined gap therebetween. Thus, both a spring mechanism and an electromagnetically supporting mechanism are formed. From the extensive description given in the specification, it is respectfully submitted that it would have been clear to one of ordinary skill in the art how to make and use the present invention as described.

With respect to the Examiner's rejection of claim 1 as being a Markush type claim, it is noted that new independent claim 43 has been redrafted to reflect Markush type language.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1, 14 and 17 as being unpatentable over EPO '395 or EPO '396 in view of Bullard or Mayama et al. This rejection is respectfully traversed.

Neither EPO '395 nor EPO '396 represents prior art upon the present application. As an initial matter, the publication dates of the two European patent applications are both in October of

2002. The filing date of the present application is March 8, 2002. Accordingly, they are not publications that are usable against the present application.

As a further point, it is noted that the inventor of both these European patent applications is the same as the present application.

For the above reasons, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. §103.

No other rejections remaining in the application, it is respectfully submitted that all of the claims pending in the present application distinguish over the prior art cited by the Examiner. Indication of such is respectfully requested.

The Examiner is Requested to Consider the Information Submitted
With an Information Disclosure Statement Dated August 18, 2003

This Information Disclosure Statement can also be found in the image file wrapper of this application, with a mail room date of August 18, 2003. All of the references, and the Information Disclosure Statement, appear to be present. Accordingly, consideration of these references is respectfully requested.

Correction of Drawings

Minor formal changes have been made to drawing Figs. 4 and 27 to correct obvious typographical errors.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact Applicant's undersigned representative.

Respectfully submitted,

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